

14 EMERGENCY PURCHASES

14.1 Definition

An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or other similar circumstances. The existence of such condition must create an immediate and serious need for property that cannot be met through normal acquisition methods.

14.2 Methods

To request an emergency purchase, the agency submits a written request to the Division of Purchasing stating the nature of the emergency, the product or service required and the basis for the selection, and the supplier. The Division of Purchasing will review the request, determine if an emergency exists, and make an appropriate emergency purchases.

The Division of Purchasing, after determining that an emergency exists, may authorize the purchase of property or services by any reasonable means, with any available specification, without regard to the provisions of these rules.

In extreme emergency, agency personnel may take whatever purchasing action necessary to resolve the emergency, to be followed by a written explanation and summary of the action taken to the Division of Purchasing. See Policy Directive No. 02-1 (issued 8-15-02).

14.3 Division of Purchasing Rules Regarding Emergency Purchasing

IDAPA 38.05.01

043. EMERGENCY PURCHASES.

01. Definition of Emergency Conditions. An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or other similar circumstances. The existence of such condition must create an immediate and serious need for property that cannot be met through normal acquisition methods. The buyer or the agency official responsible for purchasing shall make a written determination stating the basis for an emergency purchase and for the selection, if applicable, of the particular supplier. Such determination shall be sent promptly to the administrator for review and written approval that the purchase be undertaken as an emergency purchase.

02. Conditions. Emergency purchases shall be limited to only that property necessary to meet the emergency. The director or administrator may delegate authority in writing to an agency or purchasing activity to make emergency purchases of up to an amount set forth in the delegation of authority.

14.4 Idaho Statute Regarding Emergency Purchasing

67-5720. ACQUISITION IN OPEN MARKET -- EMERGENCY PURCHASES.

(1) The administrator may allow:

(a) The purchase of property in the open market, provided such items are not available from the maintenance of stocks authorized by section 67-5727, Idaho Code, where the administrator finds that a particular savings to the state may be had through the use of educational discounts, acquisition of federal surplus or excess property, reverse public auctions, where there is only one (1) vendor for the property to be acquired or under other circumstances approved by the director of the department of administration.

(b) The purchase of property by open purchase when immediate delivery of property is required by the public exigencies and the administrator of the division of purchasing has declared that an emergency exists, but at all times such purchases shall be made under the direction of the administrator.

(2) When there is only one (1) vendor for the property to be acquired, unless the property is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property, notice of a sole source procurement shall be published. The notice may be electronic. Payment vouchers for emergency acquisitions must contain upon their faces the justification for such purchases.

14.5 Policy Directive No. 02-1

POLICY DIRECTIVE NO. 02-1
EFFECTIVE AUGUST 15, 2002

Pursuant to Idaho Division of Purchasing Rule 042.10 (IDAPA 38.05.01.42.10), a determination has been made that competitive solicitation procedures are impractical, disadvantageous, and unreasonable when applied to:

1. Extreme emergency situations that create an immediate and serious threat to public health, welfare or safety such as may arise by reason of natural disasters, epidemics, riots, terrorist incidents, equipment failures or other similar circumstances.

In an extreme emergency, agency personnel may take whatever purchasing action necessary to resolve the emergency, to be followed by an immediate written explanation and summary of the action taken from the agency director or deputy to the Administrator of the Division of Purchasing. The requirement for competitive solicitations pursuant to statute and rules for these purchases is waived.

The Division of Purchasing reserves the right to make final determination if an emergency situation exists. Emergencies that are not immediately life-threatening must be submitted to the Division of Purchasing for approval as per IDAPA 38.05.01 Rule 043.01

This exemption shall be effective until this policy directive is rescinded or replaced.

Bobbi Eckerle, Acting Administrator